GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of Preventive detention made by the Commissioner of Police and Addl.District Magistrate, Visakhapatnam Police Commissionerate, Visakhapatnam in respect of Sri Kola Venkata Hemanth Kumar @ Hemanth, Age 28 years, S/o Venkata Ramana, R/o D.No. 5-24, Gollala Thallavalasa Village, Bheemili Mandal, Visakhapatnam City, Visakhapatnam District, Andhra Pradesh State– Confirmed Orders – Issued.

GENERAL ADMINISTRATION (SC.I) DEPARTMENT

G.O.Rt.No.2383

Dated:08.12.2023.
Read the following:-

1. From the Commissioner of Police and Addl.District Magistrate, Visakhapatnam Police Commissionerate, Visakhapatnam Proceedings C.No.5655/M-III/PD Act/2023, Dt:13.10.2023.
2. G.O.Rt.No.2073, GA(SC.I) Department, Dt.23.10.2023.
3. Govt. Letter No.2240204 /GAD01-LOOACTS (PDAA)/179/2023-SC.I/A3-2, Dt:27.10.2023.
4. Memo No.2240204/*GAD01-LOOACTS (PDAA)/179/2023-SC.I/A3*-3, Dt:27.11.2023
5. From the Advisory Board Report Dated:30.11.2023.

*****

ORDER:

WHEREAS, the Commissioner of Police and Addl. District Magistrate, Visakhapatnam Police Commissionerate, Visakhapatnam, has made an order of detention, vide reference first read above under Section-3(1) & (2) r/w Section 2(f) & 2(g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against Sri Kola Venkata Hemanth Kumar @ Hemanth, Age 28 years, S/o Venkata Ramana, R/o D.No. 5-24, Gollala Thallavalasa Village, Bheemili Mandal, Visakhapatnam City, Visakhapatnam District, Andhra Pradesh State, who is not having a license or holder of any permit to deal in any kind of Ganja or any other prohibited Narcotic drugs and Psychotropic substances under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985. There is a prohibition on cultivation, transportation, sale, purchase, possession storage of Ganja in any form. As such sale of Ganja is an offence and causing great loss to the national wealth and making huge damage to the public health. His activities come under the category of "Drug Offender" under section 2(f) of the AP PD Act-1986.

2. AND WHEREAS, the Government have accorded approval of the said detention order under sub-section (3) Section 3 of the Act, vide Government Orders second read above;

3. AND WHEREAS, under Section 10 of the Act, Government within three weeks from the date of detention of a person under the order shall place the case before the Advisory Board on Preventive Detentions, constituted under Section 9 of the said Act, comprising of Justice Sri Neelam Sanjiva Reddy (Retired), Chairman and two Members of the Advisory Board shall submit its report to Govt., within seven weeks from the date of detention under Section 11(1) of the said Act. The above said case was placed before the Advisory Board for its consideration and to submit its report to Government, under Section 11 (1) of the said Act, vide reference 3rd read above. The case was reviewed by the Advisory Board on 30.11.2023 through video conference. After having heard the detenue and the Investigating Officer, who have attended the Video Conference and also upon perusing the grounds of detention and the connected records, the Advisory board has reported unanimously that in its opinion, "there is sufficient cause for the detention of the detenue".

(P.T.O.)

4. AND WHEREAS, the Government on careful examination of the entire record, it is observed that Sri Kola Venkata Hemanth Kumar @ Hemanth, Age 28 years, S/o Venkata Ramana, R/o D.No. 5-24, Gollala Thallavalasa Village, Bheemili Mandal, Visakhapatnam City, Visakhapatnam District, Andhra Pradesh State is found to be involved in as many as in fifteen (15) cases mentioned in the grounds of detention. All the instances mentioned above clearly establish that he indulged in this illegal activity in a clandestine manner repeatedly, violating the provisions of IPC and NDPS Act, 1985 with a view to gain monetary benefit at the cost of health of poor people, as it is evident from number of such cases booked against him which are registered under various provisions U/s 324, 392, 379, 380, 302, 509, 212, 120b, 384, 342, 364-A, 354-A, 279, 427, 420, 506, 368, 382, 386, 364-A r/w 34 IPC, U/s 20(b)(ii)(C) r/w 8(c) and 25 of NDPS Act-1985 and U/s 3 of PDPP Act. The said offences are punishable under Chapter XVI Chapter XVII or Chapter XXII of IPC. As such, the activities of the individual falls under and within the meaning of "Drug Offender" & "Goonda" as defined under section 2(f) & 2(g) of Act 1 of 1986. The detaining authority having taken into account and consideration of indulgence of the detenue in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb him illegal activities, has passed the detention order against the detenue by invoking the provisions under the Act 1 of 1986, in order to prevent him from indulging further in such activities, which are prejudicial to maintenance of public order. The Advisory Board after review of the case, has opined that there is sufficient cause for the detention of the detenue. As such, the detenue deserves the maximum period of detention, as provided under Section 13 of the Act;

5. Now, therefore, after due consideration of the report of the Advisory Board and the material available on record, and in exercise of the powers conferred under sub-section (1) of Section 12 read with Section 13 of the said Act, the Order of Detention made by the Commissioner of Police and Addl. District Magistrate, Visakhapatnam Police Commissionerate, Visakhapatnam in the reference 1st read above, as approved in the G.O.2nd read above are hereby confirmed by the Government. The detention of Sri Kola Venkata Hemanth Kumar @ Hemanth, Age 28 years, S/o Venkata Ramana, R/o D.No. 5-24, Gollala Thallavalasa Village, Bheemili Mandal, Visakhapatnam City, Visakhapatnam District, Andhra Pradesh State shall be for a period of 12 (Twelve) months from the date of his detention, i.e., 14.10.2023 under Section 13 r/w Section 12(1) of the said Act 1/1986.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR.K.S.JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

To

Sri Kola Venkata Hemanth Kumar @ Hemanth, Age 28 years, S/o Venkata Ramana, R/o D.No. 5-24, Gollala Thallavalasa Village, Bheemili Mandal, Visakhapatnam City, Visakhapatnam District, Andhra Pradesh State through the Superintendent of Jails, Cetral Prison, Visakhapatnam.

The Superintendent of Jails, Central Prison, Visakhapatnam (He should serve the Order on the detenue immediately under proper dated acknowledgment and arrange to read over and explain the contents of the same in the language known to the detenue and report compliance to the Government forthwith)

The Commissioner of Police and Addl.District Magistrate, Visakhapatnam Police Commissionerate, Visakhapatnam.

Copy to:

The Director General of Police, A.P., Mangalagiri, Guntur District.
The Director General of Prisons and Correctional Services, A.P., Vijayawada.
The Director General of Police, Intelligence, A.P., Vijayawada.
The Spl. G.P., Attached to Learned Advocate General, A.P. High Court, Nelapadu, Amaravathi, Guntur District.

SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER (SC)